

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7023**

**BILL NUMBER:** SB 530

**NOTE PREPARED:** Jan 4, 2011

**BILL AMENDED:**

**SUBJECT:** Rape and Criminal Deviate Conduct.

**FIRST AUTHOR:** Sen. Landske

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill merges the offense of criminal deviate conduct into the crime of rape, and repeals the statute defining the crime of criminal deviate conduct. It makes conforming amendments.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** The bill repeals the offense of criminal deviate conduct and merges the elements of the offense into the elements of rape. Both offenses are Class B felonies, and both may be enhanced to Class A felonies in certain circumstances.

If the offenders who would have been convicted for these crimes are instead convicted under another statute, the number of offenders incarcerated will not change as long as the length of the sentence remains consistent. Between 2006 and 2009, the average length of stay at state correctional facilities for all offenders convicted of criminal deviate conduct was shorter than the average length of stay for all offenders convicted of rape. If offenders convicted of criminal deviate conduct in the future serve a longer length of stay, based on the average historical annual commitments and average length of stay, the cost of housing offenders could be greater by \$1.2 M. However, the facts of the individual cases may continue to place these offenders in the lower sentencing range.

**Background:** The following information provides information on commitments, sentencing, and length of stay for rape and criminal deviate conduct offenders committed to state correctional facilities.

Offense	Measure	2006	2007	2008	2009	Average
Criminal Deviate Conduct - Class A Felony	Commitments	5	9	5	8	7
	Avg. Length of Sentence	26.7	37.1	8.0	33.7	26.4
	Avg. Length of Stay	14.2	12.1	2.2	13.2	10.4
Rape - Class A Felony	Commitments	17	12	7	13	12
	Avg. Length of Sentence	30.3	32.3	32.8	36.1	32.9
	Avg. Length of Stay	13.8	16.1	11.5	11.7	13.3
Criminal Deviate Conduct -Class B Felony	Commitments	27	17	24	21	22
	Avg. Length of Sentence	10.6	7.6	8.0	10.1	9.1
	Avg. Length of Stay	3.2	2.5	2.8	2.8	2.8
Rape - Class B Felony	Commitments	38	39	34	34	36
	Avg. Length of Sentence	12.5	13.2	12.3	13.4	12.9
	Avg. Length of Stay	3.85	5.8	5.2	3.9	4.7

A Class B felony is punishable by a prison term ranging from 6 to 20 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction, 2006 - 2009 Release and Commitment data.

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